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"Express Mail" mailing label number EV 310 863 635 US I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 28, 2003.

By: Nancy RamosPrinted: Nancy Ramos

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No. 09/588,044, filed on June 5, 2000, entitled **ANTIBODIES TO A CHEMOKINE EXPRESSED IN INFLAMED ADENOID**, which is a divisional application of Serial No. 09/203,235, filed on December 1, 1998, now U.S. Patent No. 6,071,701, entitled **METHOD OF DETECTION FOR A POLYNUCLEOTIDE ENCODING CHEMOKINE EXPRESSED IN INFLAMED ADENOID**, which is a divisional application of Serial No. 08/862,607, filed on May 23, 1997, now U.S. Patent No. 5,844,084, entitled **CHEMOKINE EXPRESSED IN INFLAMED ADENOID**, which is a divisional application of Serial No. 08/352,324, filed on December 7, 1994, now U.S. Patent No. 5,633,149, entitled **POLYNUCLEOTIDE ENCODING NOVEL CHEMOKINE EXPRESSED IN INFLAMED ADENOID**, all of which are incorporated herein by reference.

☒ Enclosed is a specification corresponding to prior application, U.S. Application Serial No. 08/352,324, filed on December 7, 1994, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.

With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. , filed , to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application.

Amend the specification by inserting after the title: "This application is a application of U.S. application serial number , filed , all of which applications and patents are hereby incorporated herein by reference."

☒ **Cancel in this application original claims 3-8, 13-16, 19, 21, 22, 24, 25, 28-43, 46-55 and 57 before calculating the filing fee, without prejudice or disclaimer.** Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

☒ The inventors of the invention being claimed in this application are: Karl J. Guegler, Phillip R. Hawkins, Craig G. Wilde, Jeffrey J. Seilhamer.

- X The prior application is assigned of record to Incyte Corporation, formerly known as Incyte Genomics, Inc., also formerly known as Incyte Pharmaceuticals, Inc., recorded on April 14, 1995, at reel 7431 / frame 0384.

- X The power of attorney of the prior application is to:
- | | |
|--------------------------------|------------------------|
| Lucy J. Billings | Reg. No. 36,749 |
| Jenny Buchbinder | Reg. No. 48,588 |
| Michael C. Cerrone | Reg. No. 39,132 |
| Diana Hamlet-Cox | Reg. No. 33,302 |
| Joel Harris | Reg. No. 44,743 |
| Richard C. Ekstrom | Reg. No. 37,027 |
| Barrie D. Greene | Reg. No. 46,740 |
| Lynn E. Murry | Reg. No. 42,918 |
| Shirley A. Recipon | Reg. No. 47,016 |
| Cathleen M. Rocco | Reg. No. 46,172 |
| Susan K. Sather | Reg. No. 44,316 |
| Michelle M. Stempien | Reg. No. 41,327 |
| David G. Streeter | Reg. No. 43,168 |
| Sreenivasarao Vepachedu | Reg. No. 46,395 |
| James M. Verna, Ph.D. | Reg. No. 33,287 |
| Yu-Mei Eureka Wang | Reg. No. 50,510 |

The associate power of attorney in the prior application is to:

Terence P. Lo

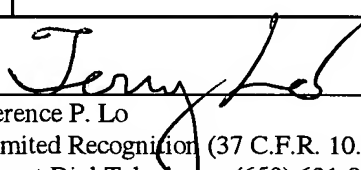
Limited Recognition (37 C.F.R. 10.9(b))

- X The invention was not made by an agency of the United States Government or under a contract with an agency of the United States Government.

ENCLOSURES

- X Application Data Sheet (ADS) (4 pp.).
- X Blanket Exemption from Requirements Under § 42 U.S.C. 2182 Letter (1 pg.).
- X In accordance with 37 CFR 1.63(d), a copy of the originally **Executed** declaration showing applicants' signatures as filed on April 7, 1995 (4 pp.).
- X Submission of Formal Drawings (1 pg.); and 4 Sheets of Formal Drawings, including Figures 1, 2, 3 and 4.
- X Information Disclosure Statement (2 pp.); and List of References Cited PTO-1449 (2 pp.).
- X A new Certification under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys (2 pp.).
- X **Substitute** Submission under 37 C.F.R. § 1.821-1.825 Sequence Listing (1 pg.).
- X (One) 1 CRF diskette containing the **Substitute** Sequence Listing.
- X Paper copy of the **Substitute** Sequence Listing (2 pp.).
- Other:
- X Limited Recognition (1 pg.).
- X Associate Power of Attorney (1 pg.).

CLAIMS AS FILED							
Claims	Number Filed	Minus	Number Extra	Other Than Small Entity		Basic Fee	
				Rate	Fee	\$	
							770.00
Total Claims	20	-20	0	x \$18	0	\$	0
Indep. Claims	2	-3	0	x \$86	0	\$	0
Multiple Dependent Claim(s), if any				+ \$290	0	\$	0
Filing Fee:						\$	770.00

FEE CALCULATION AND METHOD OF PAYMENT	
The Fee has been calculated as follows:	
<input checked="" type="checkbox"/> Fee for filing a Divisional Application Under 37 C.F.R. 1.16 (a):	\$ 770.00
<input checked="" type="checkbox"/> Please charge Deposit Account No. 09-0108 in the amount of :	\$ <u>770.00</u>
<p>Applicants hereby authorize the Commissioner to treat any concurrent or future reply in this application that requires a petition for an extension of time under 37 C.F.R. § 1.136(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time; and to charge all required fees, including fees under 37 C.F.R. §§ 1.16, 1.17, and all required extension of time fees, or to credit any overpayment, to Deposit Account 09-0108. This sheet is enclosed in duplicate.</p>	
CORRESPONDENCE ADDRESS (Customer No. 27904)	
INCYTE CORPORATION LEGAL DEPARTMENT 3160 Porter Drive Palo Alto, California 94304	Phone: (650) 855-0555 Fax: (650) 845-4166 or (650) 849-8886
Date: <u>October 28, 2003</u> By: <u></u> Terence P. Lo Limited Recognition (37 C.F.R. 10.9 (b)) attached Direct Dial Telephone: (650) 621-8581	
<input type="checkbox"/> Inventor(s). <input type="checkbox"/> Assignee of complete interest. <input type="checkbox"/> Attorney or Agent of record. <input checked="" type="checkbox"/> Filed under 37 C.F.R. § 1.34(a), with Limited Recognition under 37 C.F.R. § 10.9 (b). <input type="checkbox"/> Filed under 37 C.F.R. § 1.34(a) Registration number if acting under 37 C.F.R. § 1.34(a).	

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By: Nancy Ramos

Printed: Nancy Ramos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Guegler et al.

Title: CHEMOKINE EXPRESSED IN INFLAMED ADENOID

Serial No.: To Be Assigned

Filing Date: Herewith

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF FORMAL DRAWINGS

Sir:

Transmitted herewith are Figures 1, 2, 3 and 4, as Four (4) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the front side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 09-0108.

If there are any questions regarding the above, the Examiner is invited to call the undersigned.

Respectfully submitted,

INCYTE CORPORATION

Date: October 28, 2003

Terence P. Lo
Terence P. Lo

Limited Recognition (37 C.F.R. 10.9 (b)) attached
Direct Dial Telephone: (650) 621-8581

Customer No.: 27904
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555 or Fax: (650) 845-4166